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**40 CFR Ch. I (7–1–00 Edition)**

whether or not the increment has been met.

(12) (i) None of the above paragraphs shall apply to a source which is presently in compliance with applicable regulations and which has certified such compliance to the Administrator by October 1, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than October 1, 1973, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(13) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraphs (d)(2), (3), (5), (6), (8), and (10) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

[37 FR 19815, Sept. 22, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1677, see the List of CFR Sections Affected in the Finding Aids section of this volume.

**§ 52.1678 Control strategy and regulations: Particulate matter.**

(a)–(c) [Reserved]

(d) Section 227.3(a)(2) of 6 NYCRR, as submitted on August 10, 1979, is disapproved because it is inconsistent with 40 CFR Subpart G, Control strategy: Sulfur oxides and particulate matter.

[46 FR 55693, Nov. 12, 1981, as amended at 51 FR 40676, Nov. 7, 1986]

**§ 52.1679 EPA-approved New York State regulations.**

New York State regulation	State effective date	Latest EPA approval date	Comments
Part 200, General Provisions sections 200.1, 200.6, 200.7 and 200.9.	3/5/99	4/19/00, 65 FR 20908 .....	Redesignation of non-attainment areas to attainment areas (200.1(av)) does not relieve a source from compliance with previously applicable requirements as per letter of Nov. 13, 1981 from H. Hovey, NYSDEC.  Changes in definitions are acceptable to EPA unless a previously approved definition is necessary for implementation of an existing SIP regulation.

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New York State regulation	State effective date	Latest EPA approval date	Comments
			EPA is including the definition of "federally enforceable" with the understanding that (1) the definition applies to provisions of a Title V permit that are correctly identified as federally enforceable, and (2) a source accepts operating limits and conditions to lower its potential to emit to become a minor source, not to "avoid" applicable requirements. EPA is approving incorporation by reference of those documents that are not already federally enforceable.
Part 201, Permits and Certificates .....	4/4/93	12/23/97, 62 FR 67006 .....	
Part 202, Emissions Testing, Sampling, and Analytical Determinations.	3/24/79	.....do .....	
Part 204, Hydrocarbon Emissions from Storage and Loading Facilities—New York City Metropolitan Area.	8/12/72	9/22/72, 37 FR 19814 .....	
Part 205, Architectural Surface Coatings .....	9/15/88	8/4/94, 59 FR 39686 .....	Until EPA approves State adopted coating test method, EPA will use 40 CFR part 60, App. B, Method 24.
Part 207, Control Measures for an Air Pollution Episode.	3/24/79	11/12/81, 46 FR 55690 .....	
Part 211, General Prohibitions .....	8/11/83	11/27/98, 63 FR 65559 .....	Section 211.2 has been removed from the approved plan.
Part 212, Processes & Exhaust and/or Ventilation Systems.	5/10/84	7/19/85, 50 FR 29382 .....	
Part 213, Contaminant Emissions from Ferrous Jobbing Foundries.	6/27/72	9/22/72, 37 FR 19814 .....	
Part 214, By-Product Coke Oven Batteries ..	5/23/84	3/26/91, 56 FR 12452 .....	Variances from otherwise applicable allowable emission rates adopted pursuant to §§ 214.10 (a), (b), or (c) become applicable only if approved by EPA as SIP revisions.
Part 216, Iron and/or Steel Processes .....	5/23/84	.....do .....	
Part 217, Emissions from Motor Vehicles Propelled by Gasoline Engines.	1/29/86	11/7/86, 51 FR 40414 .....	
Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines.	5/28/92	1/6/95, 60 FR 2025 .....	
Part 219, Incinerators .....	5/1/82	9/22/72, 37 FR 19814 .....	
Part 220, Portland Cement Plants .....	3/14/73	11/12/81, 46 FR 55690 .....	
Part 222, Incinerators—New York City, Nassau and Westchester Counties.	7/17/72	9/22/72, 37 FR 19814 .....	
Part 223, Petroleum Refineries .....	8/9/84	7/19/85, 50 FR 29382 .....	

New York State regulation	State effective date	Latest EPA approval date	Comments
Part 224, Sulfuric and Nitric Acid Plants .....	5/10/84	.....do .....	Variances adopted by the State pursuant to Part 224.6(b) become applicable only if approved by EPA as SIP revisions 7/19/85, 50 FR 29382.
Subpart 225–1, Fuel Composition and Use—Sulfur Limitations.	3/24/79	11/12/81, 46 FR 55690 .....	Section 225.3(e) is disapproved (40 CFR 52.1675(d)). Variances adopted by the State pursuant to §§ 225.2(b) and (c), 225.3, and 225.5(c) become applicable only if approved by EPA or SIP revisions (40 CFR 52.1675(e)).
Subpart 225–2, Fuel Composition and Use—Waste Fuel.	7/28/83	8/2/84 .....	
Part 225–3, “Fuel Composition and Use—Gasoline;” sections 225–3.1, 225–3.2, 225–3.3, 225–3.6, 225–3.8, 225–3.10.	9/2/93	4/19/00, 65 FR 20911 .....	This action removes the following sections of Part 225–3, which pertain to the oxygenated gasoline program, from the State’s CO SIP: sections 225–3.4, 225–3.5, 225–3.7, 225–3.9. The Variance adopted by the State pursuant to section 225–3.8 becomes applicable only if approved by EPA as a SIP revision.
Part 226, Solvent Metal Cleaning .....	8/23/79	11/10/80, 45 FR 74472 .....	
Part 227, Stationary Combustion Installations [1972 version]/section 227.2(b)(1).	5/1/72	9/22/72, 37 FR 19814 .....	
Part 227, Stationary Combustion Installations.	.....	.....	Existing Part 227 is renumbered Subpart 227–1.
Subpart 227–1, Stationary Combustion Installations.	3/5/99	4/19/00, 65 FR 20909 .....	Renumbered sections 227–1.2(a)(2), 227–1.4(a), and 227–1.4(d) continue to be disapproved according to 40 CFR 52.1678(d) and 52.1680(a). (New York repealed existing Part 227.5.)
Subpart 227–2, Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO <sub>x</sub> ).	3/5/99	4/28/00, 65 FR 24877.	

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New York State regulation	State effective date	Latest EPA approval date	Comments
Subpart 227-3, Pre-2003 Nitrogen Oxides Emissions Budget and Allowance Program.	3/5/99	4/19/00, 65 FR 20909 .....	Approval of NO <sub>x</sub> Budget Trading Program for 1999, 2000, 2001 and 2002. To meet its attainment demonstration commitments and the inter-state MOU, New York will need to amend their regulations to establish the NO <sub>x</sub> caps in the State during 2003 and beyond.
Part 228, Surface Coating Processes: 228.1-228.10 .....	4/4/93	12/23/97, 62 FR 67006 .....	SIP revisions submitted in accordance with Section 228.3(e)(1) are effective only if approved by EPA.
Part 229, Petroleum and Volatile Organic Liquid Storage and Transfer.	4/4/93	12/23/97, 62 FR 67006 .....	SIP revisions submitted in accordance with Section 229.3(g)(1) are effective only if approved by EPA.
Part 230, Gasoline Dispensing Sites and Transport Vehicles.	8/22/94	4/30/98, 63 FR 23668 .....	EPA has not determined that § 232.3(a) provides for reasonably available control technology.
Part 231, Major Facilities .....	6/21/80	.....do .....	
Part 232, Dry Cleaning .....	8/11/83	6/17/85, 50 FR 25079 .....	
Part 233, Pharmaceutical and Cosmetic Processes.	4/4/93	12/23/97, 62 FR 67006 .....	SIP revisions submitted in accordance with Section 223.3(h)(1) are effective only if approved by EPA.
Part 234, Graphic Arts .....	4/4/93	12/23/97, 62 FR 67006 .....	SIP revisions submitted in accordance with Section 234.3(f)(1) are effective only if approved by EPA.
Part 236, Synthetic Organic Chemical Manufacturing Facility Component Leaks.	1/16/92	7/27/93, 58 FR 40059 .....	Variances adopted by the State pursuant to Part 236.6(e)(3) become applicable only if approved by EPA as a SIP revision.

[46 FR 55692, Nov. 12, 1981, as amended at 46 FR 62064, Dec. 22, 1981; 49 FR 3439, Jan. 26, 1984; 49 FR 30939, Aug. 2, 1984; 50 FR 25079, June 17, 1985; 50 FR 29382, July 19, 1985; 51 FR 40420, Nov. 7, 1986; 54 FR 9436, Mar. 7, 1989; 54 FR 26041, June 21, 1989; 54 FR 48889, Nov. 28, 1989; 56 FR 12454, Mar. 26, 1991; 58 FR 40059, 40065, July 27, 1993; 59 FR 38986, Aug. 4, 1994; 60 FR 2025, Jan. 6, 1995; 61 FR 38597, July 25, 1996; 62 FR 67006, Dec. 23, 1997; 63 FR 23668, Apr. 30, 1998; 63 FR 65559, Nov. 27, 1998; 65 FR 20908, 20911, Apr. 19, 2000; 65 FR 24877, Apr. 28, 2000]